IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.38299 of 2008
MUKUL RAI @ NIRAJ KUMAR @ NIRAJ KUMAR SINGH
Son of Sri Girdhar Gopal Singh
Resident of village- Koreyan,
P.S.- Bhore, district- Gopalganj
Versus
STATE OF BIHAR
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2 **03.12.2008** Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case registered for the offences under sections 224, 225, 307, 120B, 414 of the Indian Penal Code and section 27 of the Arms Act.

At the outset it has been submitted that the petitioner had earlier moved before this Court for grant of anticipatory bail in Cr. Misc. No. 2128 of 2000 which after some argument was dismissed as withdrawn as per the order dated 18th of February, 2000, as contained in Annexure-1 to the petition. It is further submitted that after the aforesaid order the petitioner did not surrender, however he made an application before the higher police officials, who enquired into the matter from where the innocence of the petitioner could be evident. In the above circumstances, it is submitted that the second application may be entertained and considered and till the further investigation is not completed the petitioner may be allowed interim bail.

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Learned Addl. P.P. appearing for the State

opposes the prayer for bail and submits that in view of the fact that earlier this Court had considered the application for grant of bail on behalf of the petitioner and after some argument the petitioner withdrew the application so that he could surrender in the Court below petitioner ought to have surrendered but instead of that he has filed application before the higher police officials. It is further submitted that in this case charge sheet has already been submitted against the petitioner in the month of March, 2003. It is also submitted that if any material which has been brought on record i.e. the charge sheet or any other material which the petitioner wants to place he may place the same on surrender and in case any application for grant of regular bail is moved.

Considering the submissions, as noticed above, I am not inclined to allow this application as well as the prayer of the petitioner for grant of interim bail. This application is, accordingly, rejected.

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Manish/- **(Shailesh Kumar Sinha,J.)**